

## **MINUTES**

### **UTAH PHYSICIAN ASSISTANT LICENSING BOARD**

**March 15, 2007**

**ROOM 475 FOURTH FLOOR 8:15 A.M.  
HEBER WELLS BUILDING  
SALT LAKE CITY, UT 84111**

**CONVENED: 8:15 a.m.**

**ADJOURNED: 11:00 a.m.**

**Bureau Manager:  
Board Secretary:**

**Diana Baker  
Penny Vogeler**

**Board Members Present:**

**Jeffry Paul Clark  
Kristen Ries, MD  
Larry Reimer MD  
John Erickson  
Donald Allen MD  
Gordon Day**

**Board Members Absent:**

**Dan Crouse**

**Guests:**

**Bob Bunell  
Darren Rogers, U of U**

**DOPL Staff Present:**

**F. David Stanley, Division Director**

### **TOPICS FOR DISCUSSION**

### **DECISIONS AND RECOMMENDATIONS**

**ADMINISTRATIVE BUSINESS:  
MINUTES:**

A motion was made and seconded to approve the minutes of January 2007. Motion carried.

**APPOINTMENTS:  
Probation Interview  
Darron Smith**

Dr. Allen conducted the interview with Mr. Smith. Mr. Smith stated he is working as a PA in Tooele with Dr. Porter. He has not terminated his working in Orem with Dr. Carns as of yet. Ms. Baker mentioned that Mr. Smith needs to submit something from Dr. Carns even if he has not worked for him. Mr. Smith stated that he has been approved to stay in the Flight Surgeon's office with the military. All supervisor reports are favorable. He is working for Merck Medco

**Probation Interview  
Elmer Sisneros**

at the present time with prescription sales. Mr. Smith is **in compliance** with his Order

Mr. Day conducted the interview with Mr. Sisneros. He was asked to discuss his violation. He stated he was here because of an ethical violation of PA law. He stated he had a sexual relationship with a prior patient. Mr. Sisneros is married and has five children. He graduated from Washington state in 1995. He stated he became involved with the patient in conversation at first and realized they had a lot in common, and the sexual relationship started two to three weeks later. Mr. Sisneros was placed on a five year probation with terms and conditions related to this boundary issue. Mr. Day discussed the importance of the Stipulation and the fact that he is expected to remain in compliance with all the terms and conditions. He was asked if he had completed the psychosexual evaluation that was ordered as part of his Order, and stated that he has not yet done so. He stated he has gone through counseling previously when this incident first happened, that his family is coping with the situation and he remains very emotional at this time. His employer was shocked at first but has been very supportive of his situation. He was placed on a probationary at work and will be terminated immediately if this type of incident ever occurs again.

The supervisory report was discussed and he was made aware that these are due each month. The Board requested that Mr. Sisneros submit a practice plan after the psychosexual evaluation has been completed. Mr. Day stressed that after the evaluation is received by the Division there may be some changes made to the Stipulation based on recommendations from the evaluating psychologist.

Mr. Sisneros expressed the difficulty of his situation and wanted the Board to be aware that he had not had any ethical training and mentioned that he felt this should be covered in the training program. Dr. Day asked if he would agree to speak before the University program about his situation and what he has learned. Mr. Sisneros stated he would like to do so at a later date. Ms. Baker discussed the Board's goal is to protect the public and that Mr. Sisneros needs to stay

within the appropriate guidelines of his profession. She stated that the healthcare provider always has a position of influence over patients and subordinates, and is to recognize that this level of trust cannot be compromised.

Mr. Sisneros is **not in compliance** with his Order.

**NEW STIPULATION**  
**Barbara Wilkes**

No Show. Ms. Wilkes will be invited again for the next meeting.

**RENEWAL**  
**Jeff Pollock**

Mr. Pollock came before the Board to discuss his application for renewal. He was interviewed by Dr. Allen. He stated he left his previous employment under a bad situation. He became depressed and was prescribed an antidepressant medication. He became addicted to the medication that leads to some illegal prescribing activities. He was investigated by the DEA and had legal issues that resulted in his attending Drug Court. He has been in drug court for the past three months, and submitted a letter from his case manager.

Mr. Pollock is now applying for a renewal of his PA license, that license expired on 5-31-06, so that he may return to work again. At this point he is trying to get past these issues. His supervising physician is Dr. Simon Voitanik. He feels he is capable of performing all PA duties. He is confident he can perform well and would like a second chance. He would like to go back into pain management.

Mr. Lynn Hooper, and Mr. John Simms, DOPL investigators joined the meeting. Mr. Pollock stated he is unaware of the position the DEA has taken on this matter.

Mr. Hooper asked if Mr. Pollock had addressed the problems encountered in New Mexico. He said he was investigated there regarding some charts that he had not completed and was asked by clinic to come back and complete his dictations. He did not do this because he felt that his charts were very well written. He indicated that he left New Mexico and came to Utah to learn more about pain medications and injections. Dr. Mosley in New Mexico expected him to come back to complete the charts, but instead he

**NEW APPLICATION**  
**Bruce Jorgensen**

then went to Philadelphia to work. The New Mexico Medical Board became involved and this issue is still not resolved with them. Dr. Clark said this must be cleared up before the Utah Board can consider recommendation for re-licensure.

Mr. Hooper asked Mr. Pollock about his arrested in March of 2006 in West Jordan, Utah while trying to pick up a prescription. Mr. Pollock had not mentioned this earlier but stated he did a plea and abeyance with West Jordan.

Mr. Hooper indicated that a petition has been issued by the AG's office with regard to the issues in West Jordan and New Mexico that have not been closed. The decision of the Board was to readdress his renewal after the outstanding issues have been cleared up.

Mr. Jorgensen was interviewed by Dr. Clark. He stated the last time he was before the Board things were in order with reinstating his PA license. He is now here to discuss the refusal of NCCPA to allow him to retake the PANCE exam until a final disposition is written regarding his surrender. He has filed an appeal with NCCPA and the only response is the letter to Ms. Baker stating that the Board needs to ensure NCCPA that Mr. Jorgensen will be allowed to practice.

The DOPL database report was discussed with Mr. Jorgensen that showed multiple prescriptions for controlled substances that he received in December 06 through February 07 from multiple prescribers. Mr. Jorgensen explained that he had sustained an injury and was on pain medication at that time. He stated that he received the medications from the same clinic, but by different prescribers that had access to his medical record there. Mr. Day was concerned about the pain medication and the amounts used by Mr. Jorgensen. Dr. Reimer asked to have the medical records of the accident reviewed.

A motion was made to issue a probationary license to allow Mr. Jorgensen to retake the PANCE exam contingent on his receiving a passing score. Second by Gordon Day. Motion carried. Ms Baker will have the medical records reviewed and then issue an MOU if the investigation is cleared.

**DISCUSSION :**  
New Board Member

Bob Bunell discussed the invitation from DOPL that was received by the Association for a new Physician Assistant position on the Board. He stated there was nothing in legislature for this year from the Association of Physician Assistants.

Ms. Baker discussed the issue of the Delegation of Service Agreement that Physician Assistants are to have on file in the offices they are working. Recently, DOPL investigators have been visiting with PA's or their supervising physicians and the Agreements cannot be located and have not been reviewed for years at a time. Mr. Bunell stated the Association will reinforce the requirement to have the Agreements readily available for investigators by getting the word out to their members and also send a letter to all PA licensees. He feels the academy should do more to reinforce this legal requirement. There was some discussion about the Association sending a letter to remind PA's to be current on any Notification of Change forms and Delegation of Services Agreements.

**NEXT SCHEDULED MEETING**

JUNE 21, 2007

**ADJOURN:**

Dr. Clark made a motion to adjourn.

*Note: These minutes are not intended to be a verbatim transcript but are intended to record the significant features of the business conducted in this meeting. Discussed items are not necessarily shown in the chronological order they occurred.*

9/20/07  
Date Approved

(ss) Paul Clark  
Acting Chairperson, Physician Assistant Licensing Bd

9/20/07  
Date Approved

(ss) Diana Baker  
Bureau Manager, Division of Occupational &  
Professional Licensing